

### III. REMARKS

1. Claims 1, 3-5, and 7-15 remain in the application. Claims 2 and 6 have been cancelled.
2. The Title has been amended as suggested by the Examiner.
3. Claims 1, 3-5, and 7-15 are not anticipated by Spagna et al. (US 6,587,837, "Spagna").

Spagna fails to disclose or suggest the following feature of claims 1, 14 and 15 in the present application: *"receiving from the user an authentication key to indicate prepayment for the requested service"*. Further, in Spagna a method is not used for *prepayment* of content, but rather for payment of content.

Spagna discloses a method, a computer program and an electronic store for permitting electronic delivery of digital content from an electronic store to one or more user systems. Spagna applies digital rights management to control content usage in an end user terminal. In the method disclosed by Spagna, a secure container is formed from the digital content to be distributed. The forming of the secure container is performed based on the principles of Digital Rights Management (DRM). Firstly, the content provider encrypts the digital content using symmetric encryption. Secondly, the symmetric key used in the symmetric encryption is encrypted using a public key. The secret for decrypting the symmetric key is held to the exclusive knowledge of the end-user devices that are used for the presentation of the digital content. In Spagna a secure container is formed from the encrypted digital content and the symmetric key. The secure container also contains data, which is used for data origin authentication and integrity protection. The secure

container is distributed to end-user devices from content hosting sites.

In Spagna content is purchased via a clearinghouse so that the symmetric key is delivered first to a clearinghouse in a form where it is encrypted using a public key associated with the clearinghouse. The end-user selects desired digital content using an electronic digital content store and registers a payment. The verified payment is combined with information on the desired digital content and a Transaction Secure Container (Transaction SC) is formed. Using the transaction secure container and digital rights for the digital content, an order secure container is formed in the digital content store. The order secure container is returned to the end-user device. The digital rights represent information on when or how many times the associated digital content may be presented. The end-user device provides the order secure container to the clearinghouse, which registers the information in the transaction secure container. The clearinghouse also checks the digital rights and delivers the symmetric key, which is this time encrypted using the public key associated with the end-user device. Using the symmetric key the digital content may be decrypted and presented to the user. The method disclosed by Spagna requires support in the end-user device for digital rights management.

In Spagna an authentication key is not used for indicating prepayment for the requested content. In Spagna a payment paid by the user is always directed to a given digital content and a given end-user device. The payment is always made as digital content is ordered. A transaction secure container is formed comprising information on the digital content and the end-user (column 21 lines 48-57). None of the fields in the transaction

secure container, especially of the digital signatures themselves, indicate a prepayment like in the invention as claimed. In the invention as claimed, no separate transaction container is formed that would comprise verified payment and debit data formed in association with the purchase transaction. Instead, the authentication key in itself represents the payment.

The benefit of the invention as claimed in relation to the method disclosed in Spagna is that there is no need for a separate connection from the end-user device to a clearinghouse, which simplifies the implementation of an electronic purchase system. This causes a significant benefit in the case where there is a need to purchase small volume content from a network to a mobile end-user device. Examples of such small volume content include text message based contents. There is only a requirement to amend the authentication key to a content request issued to a network server. This reduces the delay associated with transmitting the content request and saves network resources. A further benefit associated with the method as claimed is that the authentication keys may be made available anonymously to a third party for content purchase in a manner similar to cash. The method disclosed by Spagna is not suitable for cases where no credit based means of payment, such as credit cards, are available for the user.

Due to the aforementioned reasons, an expert on the field would not know how to apply Spagna to arrive at a solution as claimed in the independent claims 1, 14 and 15 of the present invention.

At least for these reasons, Spagna fails to anticipate claims 1, 14 and 15. Claims 3-5 and 7-13 each depend from independent claim 1 and therefore are also not anticipated by Spagna.

4. Claim 7 is patentable over the combination of Spagna and Elgamal (US 5,671,279).

Claim 7 depends from claim 1. Elgamal fails to disclose or suggest the features of claim 1 missing from Spagna and therefore, the combination of Spagna and Elgamal fails to render claim 7 unpatentable.

5. Claims 10 and 11 are patentable over the combination of Spagna and Sultan (US 6,270,406).

Claims 10 and 11 depend from claim 1. Sultan fails to disclose or suggest the features of claim 1 missing from Spagna and therefore, the combination of Spagna and Sultan fails to render claims 10 and 11 unpatentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.